



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 21

In re application of

Ward et al.

Serial No. 09/137,127

Filed: August 20, 1998

For: COMPACTED BIOMATERIALS

DECISION ON
PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed August 13, 2002 for failure to respond to the office action dated July 30, 2001. Applicants assert that a timely response with a 3 month extension of time were timely filed.

DECISION

Since petitioner asserts that the papers were filed in a timely manner, the request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the petitioner's evidence provided with the instant petition indicates that the request has merit. The evidence is sufficient to establish that applicants did timely respond to the Office Action dated June 30, 2001. The evidence is a copy of the amendment and extension having a return post card receipt date stamped by the USPTO January 30, 2002.

Further inspection of the case also revealed that the original papers were finally matched with the case.

Therefore, the Notice of Abandonment dated July 30, 2002 is hereby withdrawn. Hence, the case is returned to pending status. The application shall be returned to the LIE for entering of the response and three-month extension of time. After such is completed, the case will then be forwarded to the examiner for prompt consideration.

The Petition is **GRANTED**.

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